

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 7:20-cv-00280
	§	
7.318 ACRES OF LAND, MORE OR LESS,	§	
SITUATE IN STARR COUNTY, STATE OF	§	
TEXAS, JORGE MONTALVO, <i>et al.</i> ,	§	
<i>Defendants.</i>	§	

**AGREED ORDER ESTABLISHING JUST COMPENSATION, GRANTING
POSSESSION, DISBURSING FUNDS ON DEPOSIT IN THE REGISTRY OF THE
COURT, AND CLOSING CASE**

Pursuant to the "Joint Stipulation and Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court, and Closing Case"¹ filed by Plaintiff, the United States of America ("United States") and Defendants JORGE MONTALVO and ELSA MONTALVO (collectively, hereafter "the Parties"), the Court **ORDERS** that:

1. The full and just compensation payable by the United States for the taking of Tract RGV-RGC-1022 shall be the sum of fifty-five thousand and 00/100 dollars (\$55,000.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by Defendants JORGE MONTALVO and ELSA MONTALVO against the United States for the institution and prosecution of the above-captioned action.
2. Judgment shall be and is hereby entered against the United States in the amount of fifty-five thousand and 00/100 dollars (\$55,000.00) plus any accrued interest for the taking of Tract RGV-RGC-1022.

¹ Dkt. No. 15.

3. On September 22, 2020, the United States deposited a check in the amount of fifty thousand eight and 00/100 dollars (\$50,008.00) into the Registry of the Court² and upon said deposit, title to Tract RGV-RGC-1022 vested in the United States by operation of law. On January 4, 2021, the United States deposited the amount of four thousand, nine hundred ninety-two and 00/100 dollars (\$4,992.00) into the Registry of the Court as additional just compensation for Tract RGV-RGC-1022.³
4. The United States shall be and is hereby entitled to immediate possession of Tract RGV-RGC-1022, and all persons in possession or control of the interests taken in this property are hereby **ORDERED** to surrender possession of same to the United States, to the extent of the estate condemned in Schedule "E" of the Declaration of Taking.⁴
5. The Parties agree that the total sum of fifty-five thousand and 00/100 dollars (\$55,000.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.
6. The stipulated just compensation remains on deposit in the Registry of the Court. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **fifty-five thousand and 00/100 dollars (\$55,000.00)**, along with any accrued interest earned thereon while on deposit, payable to the order of:

JORGE MONTALVO and ELSA MONTALVO

² Dkt. No. 6 at 1.

³ Dkt. No. 14 at 1.


⁴ Dkt. Nos. 1-1 at 17-18; 2-1 at 17-18.

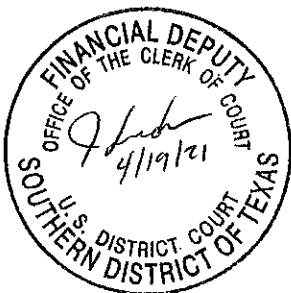
7. Defendants JORGE MONTALVO and ELSA MONTALVO warrant they were the owners of the Subject Property taken in this proceeding on the date of taking; (b) that they have the exclusive right to the compensation, herein; excepting the interests of parties having liens, leases, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendants JORGE MONTALVO and ELSA MONTALVO shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit from Defendants JORGE MONTALVO and ELSA MONTALVO, to the date of repayment into the Registry of the Court.
9. Defendants JORGE MONTALVO and ELSA MONTALVO shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
10. There being no other outstanding taxes or assessments due or owing, Defendants JORGE MONTALVO and ELSA MONTALVO are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.

11. Defendants JORGE MONTALVO and ELSA MONTALVO shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
12. Defendants JORGE MONTALVO and ELSA MONTALVO shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.
13. This agreed order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants JORGE MONTALVO and ELSA MONTALVO.
14. All issues have been resolved as to Tract RGV-RGC-1022 and accordingly, the claims and interests of Defendants JORGE MONTALVO and ELSA MONTALVO are hereby **resolved and there are no further issues to consider in this matter**. The Clerk of the Court is ORDERED to close this case.

IT IS SO ORDERED.


DONE at McAllen, Texas, this 19th day of April, 2021.


Micaela Alvarez
United States District Judge




AGREED AS TO FORM AND SUBSTANCE:

FOR DEFENDANTS:




JORGE MONTALVO
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Rio Grande City, Texas 78582



ELSA MONTALVO
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